

**FALKIRK COUNCIL**

**Subject:** USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD – P/10/0848/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 23 March 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness  
Councillor John Constable  
Councillor Ann Ritchie  
Councillor Adrian Mahoney

**Community Council:** Bo'ness

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application for full planning permission proposes the use of an existing industrial yard for bus parking including the erection of plant and machinery for refueling and washing. The site is located on the north side of Bridgeness Road, Bo'ness within the established DJ Manning auctioneers site and is located behind an existing office building and car park.
- 2.2 The limited size of the site means an approximate capacity of around 15 buses can be stored at any one time. The proposal includes the installation of new gates on the existing security fencing and installation of 3 no 10 metre high lighting columns and 4 no 6 metre high CCTV columns.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor John Constable.

**3. SITE HISTORY**

- 3.1 The application site has historically always been part of the yard area for wider uses within the DJ Manning site and has recently been used for caravan storage. It is not considered that there is any planning history on the site relevant to the assessment of this application.

#### **4. CONSULTATIONS**

- 4.1 SEPA has no objection to the proposal in terms of flooding or surface water drainage.
- 4.2 The Environmental Protection Unit has no objection to the proposed development but a request for a noise survey has been made to establish the effect of the development on residential properties within the vicinity of the site. Given the existing industrial nature of the site, distance to residential properties and the limited scale of the proposals, it is considered that this can be adequately covered by way of a condition attached to any consent given.
- 4.3 The Roads Development Unit has no objection to the proposal in terms of road safety and access design. The applicants have submitted supporting information demonstrating that the site will operate with vehicles entering and exiting the site in a forward gear negating the need for difficult reversing manoeuvres to be carried out.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Bo'ness Community Council has not commented on this proposal.

#### **6. PUBLIC REPRESENTATION**

- 6.1 At the time of writing this report 19 letters of representation have been received objecting to the proposed development. Issues raised include:-
- Traffic noise
  - Traffic volume
  - Better sites elsewhere in Bo'ness
  - Diesel spills
  - Existing parking problems
  - Historically a residential area
  - Traffic movements during the night

#### **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

## **7a The Development Plan**

### ***Falkirk Council Structure Plan***

7a.1 There are no policies in the Structure Plan that relate to the proposal and therefore no strategic issues require to be assessed.

### ***Falkirk Council Local Plan***

7a.2 Policy EP2 - 'Land For Business And Industrial Use' states:

*"In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:*

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only.*

*Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business / industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies."*

7a.3 The proposed development is located within an area safeguarded for business and industrial use. Whilst the proposed development does not fit neatly into one specific use class and is therefore considered to be a sui generis use, the proposed use of the site is closely related to use class 6 – Storage and Distribution and use class 5 – General Industrial, by virtue of the proposed washing and refueling installations at the site. The proposals are considered to be broadly compatible with the principal business and industrial use of the wider area and would not result in a significant loss of business land. The proposal complies with Policy EP2.

7a.4 The proposal is considered to accord with the terms of the Falkirk Council Local Plan.

7a.5 Accordingly, the proposal accords with the terms of the Development Plan.

## **7b Material Considerations**

7b.1 The material planning considerations to be addressed are the representations received in so far as they relate to material planning considerations.

### ***Representations Received***

7b.2 As outlined in section 4.3 of this report, the Roads Development Unit has assessed the proposals and is satisfied that no adverse road safety impacts would come about as a result of this proposal.

7b.3 Parking for employees would be accommodated within the site boundaries and would therefore not exacerbate existing parking issues in the surrounding area.

- 7b.4 The staggered nature of bus operating times and the limited site capacity in terms of bus numbers is considered to ensure that impact on residential amenity would be minimal. The site is within an established industrial area where traffic movements, including HGVs, could intensify at any given time without the need for planning permission. It is not considered that concerns in relation to traffic movements, both during the day and during the night, are significant enough to warrant a refusal of planning permission in this instance.
- 7b.5 Diesel spills are not material planning considerations.
- 7b.6 Concerns relating to the historical residential nature of the area are noted. However, the industrial use of this site is now well established and is protected within the recently adopted Falkirk Council Local Plan.
- 7b.7 References to suggested better sites elsewhere in Bo'ness are noted, but these cannot be assessed as part of this application.

## **7c Conclusion**

- 7c.1 The proposed development is considered to be in accordance with the terms of the Development Plan and there are no material considerations that warrant a refusal of planning permission in this instance.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Development shall not begin until a scheme for protecting residential properties from noise from the proposed development and associated plant and machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.

### **Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

### **Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 to 04 inclusive.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) The applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. Mitigation in the form of the recently constructed Bo'ness flood prevention scheme should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicants' responsibility.

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**Pp Director of Development Services**

**Date:** 15 March 2011

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection from Owner/Occupier Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.
4. Letter of Objection from Mr Jeff Adams 1 Carriden Glade Bo'ness EH51 9LU received on 24 February 2011.
5. Letter of Objection from Mrs Elaine Allan 1 Foredale Terrace Boness EH51 9LW received on 27 February 2011.
6. Letter of Objection from Mr and Mrs R & N Caie Cairndhu Carriden Brae Bo'ness EH51 9SL received on 4 March 2011.
7. Letter of Objection from Joyce Hastie Aviemore Carriden Brae Bo'ness West Lothian received on 2 March 2011.
8. Letter of Objection from Harry & Brenda Holmes Library House Acre Road Bo'ness EH51 9SX received on 7 March 2011.
9. Letter of Objection from Lt. Col. I. B. Lauder Bridgeness Cottage 13 Bridgeness Lane Bo'ness EH51 9LQ received on 16 February 2011.
10. Letter of Objection from M K Lawrie Grange Lodge Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.
11. Letter of Objection from Mrs P Lyon Riversdale Carriden Brae Bo'ness EH51 9SL received on 7 March 2011.
12. Letter of Objection from John Lyon Riversdale Carriden Brae Bo'ness EH51 9SL received on 7 March 2011.
13. Letter of Objection from E S Marshall Bruan Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.

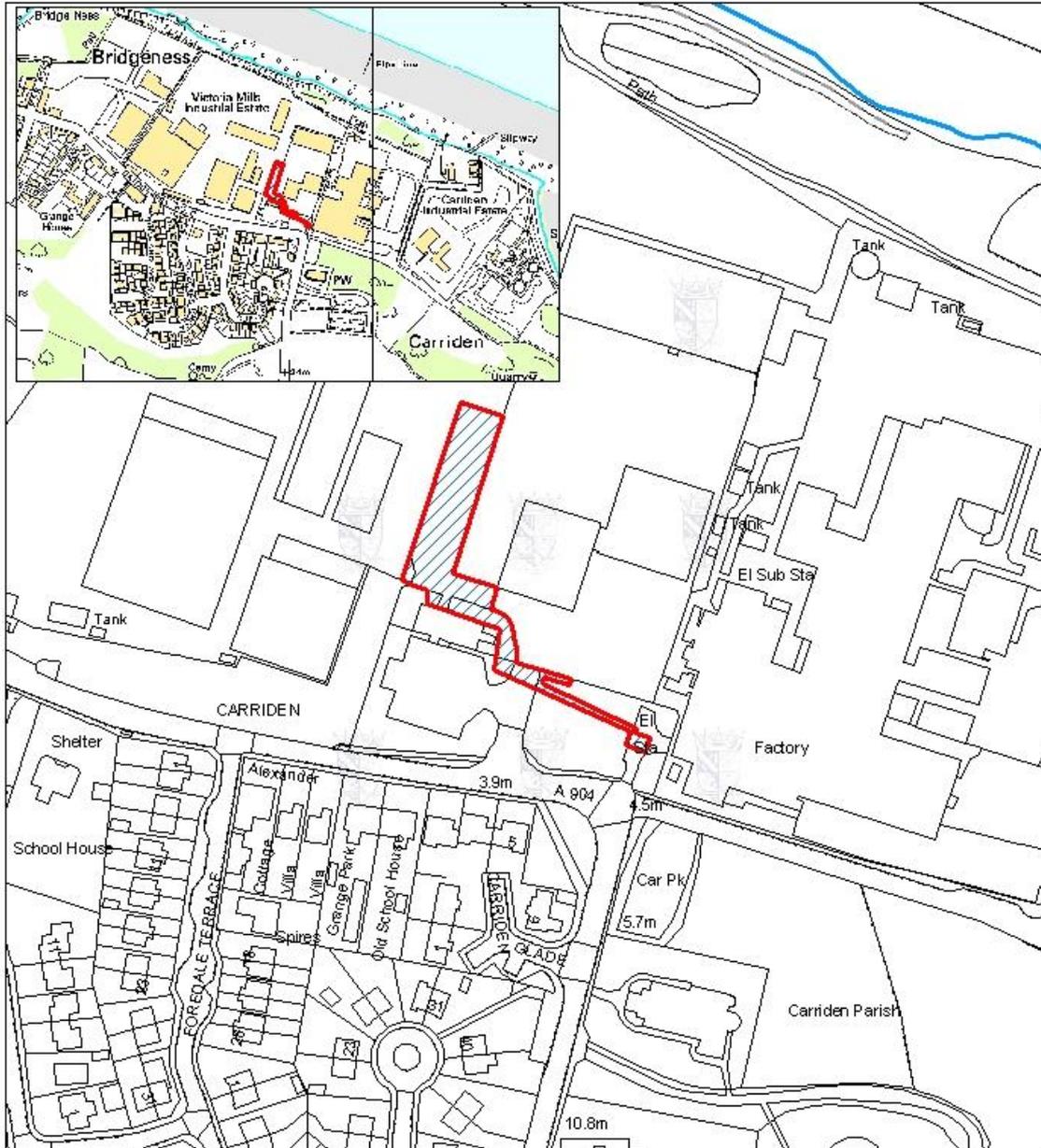
14. Letter of Objection from Yvonne McBlaine Old Schoolhouse Bridgeness Road Bo'ness EH51 9LR received on 9 February 2011.
15. Letter of Objection from Avril McInnes Old School House Carriden Brae Bo'ness received on 9 March 2011.
16. Letter of Objection from Maurice & Ann Mitchell Ashgrove Carriden Brae Bo'ness EH51 9SL received on 2 March 2011.
17. Letter of Objection from Mrs Pamela Mullen 4 Carriden Glade Carriden Bo'ness EH51 9LU received on 12 February 2011.
18. Letter of Objection from Mr John Mullen 4 Carriden Glade Bo'ness EH51 9LU received on 13 February 2011.
19. Letter of Objection from Owner/Occupier No Address Given received on 2 March 2011.
20. Letter of Objection from Verity & Ian Smith 7 Hope Cottages Bo'ness EH51 9SU received on 7 March 2011.
21. Letter of Objection from Mr E Tooey Muirhouses Amenity Association Red Tiles Carriden Brae Bo'ness received on 4 March 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan P/10/0848/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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